



FACTS AT A GLANCE

Comparison of Punishment and Sentencing Provisions in the 1993 and 2003 Penal Codes

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Introduction

In 1993, the 73rd Texas Legislature enacted a sweeping revision of the Texas Penal Code. The revision provided longer terms of confinement for violent offenders and shorter terms of confinement with opportunities for rehabilitation for nonviolent offenders. The revised Penal Code also included a new category of offense, the state jail felony, punishable by a term of up to two years in a state jail.

Since the 1993 revision of the Penal Code, a number of offenses have been added and a number of sentences have been increased. These changes affect Texas' criminal justice system in several significant ways. The creation of an offense may result in an increase in the number of offenders in the system, and, generally, an increase in punishment lengthens the confinement time an offender serves before being eligible for parole or community supervision. These results increase the population housed in Texas' county, state jail, and prison facilities.

An increase in punishment is enacted through a change in the category of a crime (e.g., recategorizing a crime from a Class A misdemeanor to a state jail felony), which may alter the type of facility in which an offender serves a term of confinement, affecting the per day costs for confinement.

- Class C misdemeanants are not sentenced to confinement.
- Class A and Class B misdemeanants are confined in county jails.
- State jail felons are confined in state jails.
- Felons are confined in state prisons.

A change in the category of crime may also result in a change in the court having jurisdiction to hear the case, thus shifting court caseloads.

- Class C misdemeanors are heard in municipal courts and justice of the peace courts.
- Class A and Class B misdemeanors are heard in county courts.
- Felonies are heard in district courts.

For example, increasing an offense from a Class C misdemeanor to a Class B misdemeanor may change the sentence from a fine only to a fine plus up to 180 days in the county jail and will require the offense to be heard in a different court.

Part I of this report shows the differences between provisions found in the 1993 Penal Code and those contained in current law where changes have resulted in increases or enhancements to penalties. Expansions of the conditions under which an offense applies are not included.

Part II of this report lists new sections of the Penal Code addressing offenses and sentencing that have been added since the 1993 revision, the date the section was added, and a brief description of the offense and penalty. The description reflects the current content of the section.

Part III of this report provides for each session a cross-reference of the changed or added sections of the Penal Code with the session law chapter and section number and the bill number of the change or addition.

Part I

Changes to Punishment and Sentencing Provisions

Changes to Punishment and Sentencing Provisions

Penal Code as of 1993 Revision	Penal Code as of 2003
<p>§3.03. Sentences for Offenses Arising Out of Same Criminal Episode.</p> <p>Generally, the sentence is required to run concurrently for each offense if a defendant is found guilty of more than one offense arising out of the same criminal episode.</p>	<p>§3.03.</p> <p>(b) Allows the sentence for an offense of §49.08 (Intoxication Manslaughter) to run concurrently or consecutively.</p> <p>(b)(2) Expands the types of offenses for which a court may order the sentences to run concurrently or consecutively to include §21.11 (Indecency with a Child); §22.011 (Sexual Assault); §22.021 (Aggravated Sexual Assault); §25.02 (Prohibited Sexual Conduct); and §43.25 (Sexual Performance by a Child), if the offense was committed against a victim younger than 17 years of age.</p>
<p>§3.04. Severance.</p> <p>A defendant may request the severance of two or more offenses that have been consolidated or joined for trial. In the event of severance, the provisions under §3.03 do not apply, and the court is authorized to order the sentences to run either concurrently or consecutively.</p>	<p>§3.04.</p> <p>Provides that the defendant's right to severance does not apply to a prosecution for offenses under §3.03(b)(2) except under certain circumstances.</p>
<p>§12.42. Penalties for Repeat and Habitual Felony Offenders.</p> <p>(a) The penalty is enhanced to the punishment for a second degree felony if a defendant convicted of a state jail felony under §12.35(c) (State Jail Felony Punishment offense in which the offender uses a deadly weapon or has a previous felony conviction for certain offenses) has a prior felony conviction, or if a defendant convicted of a third degree felony has a prior felony conviction.</p> <p>(c) The penalty is imprisonment for life or not more than 99 years or less than 15 years for a defendant convicted of a first degree felony who has one prior felony conviction. The defendant may also be assessed a fine not to exceed \$10,000.</p>	<p>§12.42.</p> <p>(a)(1) Enhances it to a third degree felony if a defendant convicted of a state jail felony has two previous state jail felony convictions.</p> <p>(a)(2) Enhances it to a second degree felony if a defendant convicted of a state jail felony has two previous felony convictions and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final.</p> <p>(c)(2) Provides for an automatic life sentence if a defendant is convicted of §22.011 (Sexual Assault); §22.021 (Aggravated Sexual Assault); §20.04(a)(4) (Aggravated Kidnapping under certain circumstances); or §30.02(d) (Burglary under certain circumstances); and the defendant has previously been convicted of an offense under §43.23(h) (Obscenity under certain circumstances); §43.25 (Sexual Performance by a Child); §43.26 (Possession or Promotion of Child Pornography); §21.11 (Indecency with a Child); §22.011 (Sexual Assault); §22.021 (Aggravated Sexual Assault); §25.02 (Prohibited Sexual Conduct); §20.04(a)(4) (Aggravated Kidnapping under certain circumstances); or §30.02(d) (Burglary under certain circumstances); or under laws of another state containing substantially similar elements.</p>

Penal Code as of 1993 Revision	Penal Code as of 2003
<p>§12.42. (cont.)</p> <p>(d) The penalty is imprisonment for life or not more than 99 years or less than two years for a defendant who has two prior felony convictions and is convicted of a third felony.</p> <p>(e) A state jail felony conviction can only be used for enhancement purposes if the defendant was punished under §12.35(c) (used a deadly weapon or had a previous felony conviction for certain offenses).</p>	<p>(d) Excludes a defendant on trial for a state jail felony under §12.35(a) (State Jail Felony Punishment) from being sentenced to life imprisonment.</p> <p>(e) Establishes that a previous state jail felony conviction under §12.35(a) may not be used for enhancement purposes under §12.42 (b), (c), or (d).</p>
<p>§12.43. Penalties for Repeat and Habitual Misdemeanor Offenders.</p> <p>(a) The penalty for a defendant convicted of a Class A misdemeanor who has a prior conviction for a Class A misdemeanor or for any degree of felony is confinement in jail for a term of not more than one year or less than 90 days.</p> <p>(b) The penalty for a defendant convicted of a Class B misdemeanor who has a prior conviction for a Class A or Class B misdemeanor or for any degree of felony is confinement in jail for a term of not more than 180 days or less than 30 days.</p>	<p>§12.43.</p> <p>(a) Increases the penalty to:</p> <ol style="list-style-type: none"> (1) a fine not to exceed \$4,000; (2) confinement in jail for any term of not more than one year or less than 90 days; or (3) both the fine and confinement. <p>(b) Increases the penalty to:</p> <ol style="list-style-type: none"> (1) a fine not to exceed \$2,000; (2) confinement in jail for any term of not more than 180 days or less than 30 days; or (3) both the fine and confinement. <p>(c) Establishes that if a defendant convicted of a Class C misdemeanor under §42.01 (Disorderly Conduct) or §49.02 (Public Intoxication) has three prior convictions for those offenses, the penalty is increased to:</p> <ol style="list-style-type: none"> (1) a fine not to exceed \$2,000; (2) confinement in jail for a term not to exceed 180 days; or (3) both the fine and confinement.
<p>§12.44. Reduction of Third Degree or State Jail Felony Punishment to Misdemeanor Punishment.</p> <p>The court is authorized to reduce the punishment for a third degree felony to a Class A misdemeanor punishment and to reduce the punishment for a state jail felony to a Class B misdemeanor punishment.</p>	<p>§12.44. Reduction of State Jail Felony Punishment to Misdemeanor Punishment.</p> <p>Deletes the court's authority to reduce the punishment for a third degree felony to a Class A misdemeanor punishment and modifies its authority to reduce the punishment for a state jail felony to allow a Class A, rather than Class B, misdemeanor punishment.</p>

Penal Code as of 1993 Revision	Penal Code as of 2003
<p>§12.47. Penalty if Offense Committed Because of Bias or Prejudice.</p> <p>The court is authorized to increase the penalty for an offense, other than a first degree felony, to that prescribed for the next higher category of offense if the offense was committed because of a defendant's bias or prejudice.</p>	<p>§12.47.</p> <p>Excludes a Class A misdemeanor from the authorization to increase the penalty to the next higher category if the offense was committed because of a defendant's bias or prejudice. Increases the minimum term of confinement for a Class A misdemeanor in such cases to 180 days.</p>
<p>§19.03. Capital Murder.</p> <p>It is a capital felony to commit murder under certain circumstances.</p>	<p>§19.03.</p> <p>Establishes murder in the course of committing or attempting to commit a terroristic threat as a capital felony.</p>
<p>§20.02. False Imprisonment.</p> <p>(c) It is a Class B misdemeanor to intentionally or knowingly restrain another.</p>	<p>§20.02. Unlawful Restraint.</p> <p>(c) Increases it to a Class A misdemeanor.</p> <p>(c)(1) Enhances it to a state jail felony if the person restrained was a child younger than 17 years of age.</p> <p>(c)(2) Enhances it to a third degree felony if the offender recklessly exposes the victim to a substantial risk of serious bodily injury; restrains an individual the offender knows is a public servant while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant; or restrains any other person while in custody.</p>
<p>§22.01. Assault.</p> <p>(a)(1) It is a Class A misdemeanor to cause bodily injury to another.</p> <p>(a)(2) It is a Class C misdemeanor to intentionally or knowingly threaten another with imminent bodily injury.</p> <p>(a)(3) It is a Class C misdemeanor to intentionally or knowingly cause physical contact with another.</p>	<p>§22.01.</p> <p>For an offense under Subsection (a)(1), enhances it to a third degree felony if committed against a public servant; against a member of the person's family or household and the person has a prior conviction under this section; against a person working under contract in a juvenile or adult correctional and treatment facility; or against a security officer.</p> <p>For an offense under Subsection (a)(3), enhances it to a Class A misdemeanor if committed against an elderly or disabled individual.</p> <p>For an offense under Subsection (a)(2) or (3), enhances it to a Class B misdemeanor if committed against a sports participant or official under certain circumstances.</p>

Penal Code as of 1993 Revision	Penal Code as of 2003
<p>§22.02. Aggravated Assault. It is a second degree felony if a person assaults another and causes serious bodily injury or uses or exhibits a deadly weapon during the commission of the assault. Enhances it to a first degree felony if the offense is committed by a public servant acting under color of the servant's office; against a public servant in the course of official duty; or in retaliation against a witness, prospective witness, informant, or person who has reported a crime.</p>	<p>§22.02. Enhances it to a first degree felony if the offense is committed against a security officer while on duty.</p>
<p>§22.07. Terroristic Threat. It is a Class B misdemeanor to commit any offense involving violence to any person or property with the intent to:</p> <p>(1) cause a reaction to the threat by an official or volunteer agency organized to deal with emergencies; or (2) place any person in fear of imminent serious bodily injury.</p> <p>(3) It is a Class A misdemeanor to prevent or interrupt the occupation or use of certain facilities or means of transportation.</p> <p>(4) It is a third degree felony to cause impairment or interruption of certain public utilities or services.</p>	<p>§22.07. Enhances the penalty for an offense under Subdivision (2) to a Class A misdemeanor if the offense is committed against a member of the person's family or household or against a public servant.</p> <p>(3) Enhances it to a state jail felony if the offender causes pecuniary loss of \$1,500 or more to the owner of the facility or means of transportation.</p> <p>Establishes that it is a third degree felony to commit any offense involving violence to any person or property with the intent to place the public or a substantial group of the public in fear of serious bodily injury; or to influence the conduct or activities of a branch or agency of the federal, state, or local government.</p>
<p>§25.04. Enticing a Child. It is a Class B misdemeanor to knowingly entice a child younger than 18 years of age from the custody of a parent or guardian with the intent to interfere with the lawful custody of the child.</p>	<p>§25.04. Enhances it to a third degree felony if it is shown at trial that the person intended to commit a felony against the child.</p>
<p>§25.07. Violation of a Protective Order. It is a Class A misdemeanor to commit certain acts that violate a protective order issued under the Family Code.</p>	<p>§25.07. Violation of a Protective Order or Magistrate's Order. Enhances it to a third degree felony if a person has two or more prior convictions under this section or has violated the protective order by committing an assault or the offense of stalking.</p>
<p>§25.08. Sale or Purchase of a Child. It is a third degree felony to sell or purchase a child.</p>	<p>§25.08. Enhances it to a second degree felony if the person commits the offense with the intent to commit an offense under §43.25 (Sexual Performance by a Child).</p>

Penal Code as of 1993 Revision	Penal Code as of 2003
<p>§28.02. Arson. It is a second degree felony to start a fire or cause an explosion with the intent to destroy vegetation, structures, or vehicles under certain circumstances.</p> <p>It is a first degree felony if anyone suffered bodily injury or death due to the arson.</p>	<p>§28.02. Establishes that it is a second degree felony to attempt to start a fire with the intent to destroy or damage property.</p> <p>Establishes that it is a first degree felony if the property intended to be damaged or destroyed was a habitation or place of assembly or worship.</p>
<p>§28.03. Criminal Mischief. It is an offense for a person to intentionally or knowingly damage, destroy, tamper with, or mark on another person's tangible property without the owner's consent. It ranges from a Class C misdemeanor to a first degree felony, assessed according to the amount of pecuniary loss. It is a state jail felony if a place of worship, human burial, public monument, or community center is damaged or destroyed and the pecuniary loss to real property or tangible personal property is less than \$20,000.</p>	<p>§28.03. Establishes that it is a Class A misdemeanor if the offender causes the impairment or interruption of any public water supply, regardless of the amount of pecuniary loss.</p> <p>Establishes that it is a state jail felony if a school is damaged or destroyed and the pecuniary loss to real property or tangible personal property is \$1,500 or more but less than \$20,000.</p> <p>Establishes that it is a first degree felony if the property is livestock and the damage is caused by the introduction of mad cow disease, foot-and-mouth disease, or certain other diseases.</p>
<p>§30.04. Burglary of Vehicles. It is a Class A misdemeanor to break into or enter a vehicle or any part of a vehicle with the intent to commit a felony or theft.</p>	<p>§30.04. Enhances it to a state jail felony if the vehicle broken into or entered is a rail car.</p>
<p>§30.05. Criminal Trespass. It is a Class B misdemeanor to enter or remain on another's property or in another's building without effective consent. Enhances the penalty to a Class A misdemeanor if the offense is committed in a habitation or shelter center or if the person carries a deadly weapon while committing the offense.</p>	<p>§30.05. Enhances it to a Class A misdemeanor if the offense is committed on a Superfund site. Establishes that it is a Class C misdemeanor if a person enters or remains on the agricultural land of another without express consent or authorization. Enhances it to a Class A misdemeanor if the offense is committed in a habitation, shelter center, or Superfund site or if the person carries a deadly weapon while committing the offense.</p>
<p>§31.03. Theft. It is an offense for a person to unlawfully appropriate property with the intent to deprive the owner of the property. It ranges from a Class C misdemeanor to a first degree felony, assessed according to the value of the stolen property. Except for a first degree felony, enhances it to the next higher category if the offender was a public servant at the time of the offense and the property stolen came into the offender's control because the offender was a public servant.</p>	<p>§31.03. Except for a first degree felony, enhances it to the next higher category if the offender was under contract with the government at the time of the offense and the property stolen came into the offender's control because of the contractual relationship or if the owner of the property was an elderly individual.</p>

Penal Code as of 1993 Revision	Penal Code as of 2003
<p>§32.32. False Statement to Obtain Property or Credit. It is a Class A misdemeanor for a person to intentionally or knowingly make a materially false or misleading written statement to obtain property or credit.</p>	<p>§32.32. It ranges from a Class C misdemeanor to a first degree felony, assessed according to the value of the property or the amount of credit.</p>
<p>§32.41. Issuance of a Bad Check. It is a Class C misdemeanor to issue or pass a check for the payment of money knowing that the person does not have sufficient funds for the payment of the check.</p>	<p>§32.41. Enhances it to a Class B misdemeanor if the check was for a child support payment and the obligation was established under a court order.</p>
<p>§32.45. Misapplication of Fiduciary Property or Property of Financial Institution. It is an offense to intentionally, knowingly, or recklessly misapply property held as a fiduciary or property of a financial institution in a manner that involves substantial risk of loss to the owner of the property or to a person for whose benefit the property is held. It ranges from a Class C misdemeanor to a first degree felony, assessed according to the value of the property misapplied.</p>	<p>§32.45. Enhances it to the next higher category if the offense was committed against an elderly individual.</p>
<p>§32.46. Securing Execution of Document by Deception. It is an offense to cause another to sign or execute any document affecting property, service, or the pecuniary interest of a person with the intent to defraud or harm the person. It ranges from a Class C misdemeanor to a first degree felony, assessed according to the value of the property, service, or pecuniary interest lost.</p>	<p>§32.46. Establishes that it is a state jail felony if the person caused or induced a public servant to file or record a document of a court or judicial entity that was not established under the constitution or the laws of Texas or of the United States. For any offense under this section, enhances it to the next higher category if the offense was committed against an elderly individual.</p>
<p>§33.02. Breach of Computer Security. It is a Class A misdemeanor to knowingly access a computer, computer network, or computer system without the effective consent of the owner. It is increased to a state jail felony or a third degree felony, according to the value of the benefit or the amount of the loss or harm, if the person knowingly obtains a benefit or defrauds or harms another.</p>	<p>§33.02. Decreases it to a Class B misdemeanor unless the person knowingly obtains a benefit, defrauds or harms another, or alters, damages, or deletes property, in which event the penalty ranges from a Class A misdemeanor to a first degree felony, according to the amount of loss.</p>
<p>§36.06. Obstruction or Retaliation. It is a third degree felony to threaten or harm another by an unlawful act in retaliation against or to prevent or delay the service of another as a public servant, witness, prospective witness, informant, or person who reports or intends to report a crime.</p>	<p>§36.06. Enhances it to a second degree felony if the victim of the offense was harmed or threatened because of the victim's service or status as a juror.</p>

Penal Code as of 1993 Revision	Penal Code as of 2003
<p>§37.09. Tampering With or Fabricating Physical Evidence.</p> <p>It is a third degree felony to tamper with or fabricate evidence while an investigation or official proceeding is pending or in progress.</p>	<p>§37.09.</p> <p>Establishes that it is a third degree felony for a person, knowing that an offense has been committed, to tamper with or fabricate evidence in any subsequent investigation of or official proceeding related to the offense.</p> <p>Establishes that it is a Class A misdemeanor if the person observes human remains, has reason to believe an offense has been committed, and fails to report the existence and location of the remains to a law enforcement agency.</p>
<p>§37.10. Tampering With Governmental Record.</p> <p>It is a Class A misdemeanor to knowingly tamper with a governmental record. It is enhanced to a state jail felony if the person's intent was to defraud or harm another. It is a third degree felony to knowingly tamper with certain governmental documents issued by government. It is enhanced to a second degree felony if the person's intent was to defraud or harm another.</p>	<p>§37.10.</p> <p>Establishes that it is an offense to tamper with a governmental record that is evidence of automobile insurance coverage. It is a Class B misdemeanor to use the record, a third degree felony to make the record, and a second degree felony if the intent was to defraud or harm another.</p>
<p>§37.11. Impersonating Public Servant.</p> <p>It is a Class A misdemeanor to impersonate a public servant.</p> <p>It is a third degree felony to impersonate a peace officer.</p>	<p>§37.11.</p> <p>Increases it to a third degree felony for impersonating any public servant, not just a peace officer.</p>
<p>§38.02. Failure to Identify.</p> <p>(a) It is a Class C misdemeanor for a person to refuse to give his or her name, address, or date of birth to a peace officer who has lawfully arrested the person.</p> <p>(b) It is a Class C misdemeanor for a person to give a false or fictitious name, address, or date of birth to a peace officer who has lawfully arrested or detained the person or who is believed by the peace officer to have witnessed a crime.</p> <p>(d) It is a Class B misdemeanor if the defendant was a fugitive at the time of the offense.</p>	<p>§38.02.</p> <p>(b) Increases it to a Class B misdemeanor.</p> <p>(d) Increases it to a Class B misdemeanor if the fugitive committed an offense under Subsection (a) or a Class A misdemeanor if the fugitive committed an offense under Subsection (b).</p>
<p>§38.04. Evading Arrest or Detention.</p> <p>(b) It is a Class B misdemeanor for a person to intentionally flee from a peace officer who is attempting to arrest or detain the person. It is a third degree felony if a peace officer suffers serious bodily harm or death as a direct result of the evasion.</p>	<p>§38.04.</p> <p>(b)(1) Enhances it to a state jail felony if a vehicle is used to evade arrest or detention.</p> <p>(b)(2) Enhances it to a third degree felony if a vehicle is used to evade arrest or detention and the person has a prior conviction under this section, or if another person, not just a peace officer, suffers serious bodily injury as a direct result of the evasion.</p>

Penal Code as of 1993 Revision	Penal Code as of 2003
<p>§38.04. (cont.)</p>	<p>(b)(3) Establishes it as a second degree felony if another person, not just a peace officer, dies as a direct result of the evasion.</p>
<p>§38.11. Prohibited Substances in Correctional Facility or on Property of Texas Department of Criminal Justice (TDCJ).</p> <p>It is a third degree felony to provide or attempt to provide alcohol or drugs to inmates; bring or attempt to bring alcohol or drugs into correctional facilities; steal drugs from TDCJ; or possess drugs while on correctional facility property.</p>	<p>§38.11. Prohibited Substances and Items in Correctional Facility or on Property of TDCJ.</p> <p>Adds the following third degree felonies: providing or attempting to provide a deadly weapon, a cell phone, cigarettes, tobacco products, or money to an inmate; possessing a deadly weapon while on correctional facility property; or possessing a cell phone if you are an inmate.</p>
<p>§38.14. Taking or Attempting to Take Weapon From Peace Officer.</p> <p>It is a state jail felony to take or attempt to take, with force, a peace officer's weapon with the intent to harm the officer or a third party.</p>	<p>§38.14. Taking or Attempting to Take Weapon From Peace Officer, Parole Officer, or Community Supervision and Corrections Department Officer.</p> <p>Expands the officials against whom the offense can be committed to include parole officers and community supervision and corrections officers.</p> <p>Increases it to a third degree felony if the offender takes the weapon from the officer.</p>
<p>§39.04. Violations of the Civil Rights of Person in Custody.</p> <p>It is a Class A misdemeanor for an official or employee of a correctional facility or a peace officer to intentionally violate the civil rights of a person in custody.</p>	<p>§39.04. Violations of the Civil Rights of Person in Custody; Improper Sexual Activity With Person in Custody.</p> <p>Expands list of offenders to include a contractor or volunteer at a correctional facility.</p> <p>Establishes that it is a state jail felony if an official, employee, contractor, or volunteer of a correctional facility or a peace officer engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person in custody.</p> <p>Establishes that it is a state jail felony for an employee of TDCJ to engage in sexual contact, sexual intercourse, or deviate sexual intercourse with a person who is not the employee's spouse and who the employee knows is under the supervision of, but not in custody of, TDCJ.</p>
<p>§42.07. Harassment.</p> <p>It is a Class B misdemeanor to engage in certain activities with the intent to harass, annoy, alarm, abuse, torment, or embarrass another.</p> <p>It is a Class A misdemeanor to repeatedly engage in certain activities, including following a person, that are reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass that person. Enhances it to a third degree felony if the person has a prior conviction under this section.</p>	<p>§42.07.</p> <p>Enhances it to a Class A misdemeanor if the person has previously been convicted under this section.</p> <p>Deletes this provision. (See §42.072, Stalking.)</p>

Penal Code as of 1993 Revision	Penal Code as of 2003
<p>§42.09. Cruelty to Animals. It is a Class A misdemeanor to intentionally or knowingly be cruel to an animal.</p>	<p>§42.09. Establishes that it is a Class A misdemeanor to engage in certain cruel behavior toward an animal and a state jail felony to engage in certain other cruel behavior against an animal.</p> <p>Enhances the Class A misdemeanor to a state jail felony if the person has two prior convictions for such treatment.</p> <p>Enhances the state jail felony to a third degree felony if the person has two prior convictions for such treatment.</p>
<p>§43.02. Prostitution. It is a Class B misdemeanor to engage in prostitution. Enhances the penalty to a Class A misdemeanor if the offender has a previous conviction under this section.</p>	<p>§43.02. Enhances it to a Class A misdemeanor if the offender has one or two previous convictions under this section.</p> <p>Enhances it to a state jail felony if the offender has three or more previous convictions under this section.</p>
<p>§43.23. Obscenity. It is a state jail felony to wholesale promote or possess with the intent to wholesale promote any obscene material or device.</p> <p>It is a Class A misdemeanor to promote or possess with the intent to promote any obscene material or device; or to produce, present, direct, or directly participate in an obscene performance.</p>	<p>§43.23. Enhances it to a third degree felony if the obscene material or device depicts certain sexual acts engaged in by a person or image of a person younger than 18 years of age.</p> <p>Enhances it to a state jail felony if the obscene material, device, or performance depicts certain sexual acts engaged in by a person or image of a person younger than 18 years of age.</p>
<p>§43.26. Possession or Promotion of Child Pornography. It is a third degree felony to knowingly or intentionally possess child pornography or to promote or possess child pornography with the intent to promote the material.</p>	<p>§43.26. Increases it to a second degree felony for promoting or possessing child pornography with the intent to promote the material.</p>
<p>§46.04. Unlawful Possession of Firearm by Felon. (a)(1) It is a third degree felony for a felon to possess a firearm between the time of conviction and the fifth anniversary of release from confinement, probation, or parole for the felony conviction, whichever is later.</p> <p>(a)(2) It is a third degree felony for a felon to possess a firearm after the time period described in Subsection (a)(1) at any location other than where the person lives.</p>	<p>§46.04. (b) Establishes that it is a Class A misdemeanor for certain misdemeanants convicted of family violence to possess a firearm between the time of conviction and the fifth anniversary of release from confinement or probation for the misdemeanor conviction.</p> <p>(c) Establishes that it is a Class A misdemeanor for a person, other than a peace officer, who is subject to a protective order to possess a firearm after receiving notice of the order and before expiration of the order.</p>

Penal Code as of 1993 Revision	Penal Code as of 2003
<p>§46.06. Unlawful Transfer of Certain Weapons. It is a Class A misdemeanor to transfer a handgun to a person knowing that the person intends to use it unlawfully; transfer certain weapons to a child younger than 18 years of age; sell a firearm or ammunition for a firearm to an intoxicated person; or sell a firearm to a person who has been convicted of a felony before the fifth anniversary of the felon's release from confinement, probation, or parole for the felony conviction, whichever is later.</p>	<p>§46.06. Enhances it to a state jail felony for transferring a handgun to a child younger than 18 years of age.</p>
<p>§49.03. Consumption or Possession of Alcoholic Beverage in Motor Vehicle. It is a Class C misdemeanor to consume an alcoholic beverage while driving in a public place and to be observed doing so by a peace officer. (This section was repealed in 2001.)</p>	<p>§49.031. Possession of Alcoholic Beverage in Motor Vehicle. Establishes that it is a Class C misdemeanor to knowingly possess an open container of an alcoholic beverage in a passenger area of a motor vehicle that is operating, stopped, or parked on a public highway. (This section was enacted in 2001.)</p>
<p>§49.07. Intoxication Assault. It is a third degree felony if a person by accident or mistake, while operating an aircraft, watercraft, or motor vehicle in a public place while intoxicated, and by reason of the intoxication, causes serious bodily injury to another.</p>	<p>§49.07. Establishes that it is a third degree felony to cause serious bodily injury as a result of operating or assembling an amusement ride while intoxicated.</p>
<p>§49.08. Intoxication Manslaughter. It is a second degree felony if a person operates an aircraft, watercraft, or motor vehicle in a public place while intoxicated, and by reason of the intoxication causes the death of another by accident or mistake.</p>	<p>§49.08. Establishes that it is a second degree felony to cause death by accident or mistake as a result of operating or assembling an amusement ride while intoxicated.</p>
<p>§49.09. Enhanced Offenses and Penalties. (a) It is a Class A misdemeanor with a minimum term of confinement of 15 days for a defendant who is convicted under §49.04 (Driving While Intoxicated), §49.05 (Flying While Intoxicated), or §49.06 (Boating While Intoxicated) and who has one prior conviction of an offense relating to certain intoxication offenses. (b) It is enhanced to a third degree felony if the defendant has two prior convictions under §49.04, §49.05, or §49.06.</p>	<p>§49.09. (a) Increases the minimum term of confinement to 30 days and adds §49.065 (Assembling or Operating an Amusement Ride While Intoxicated) to the list of offenses in this section. (b) Adds §49.065 to the list of offenses addressed in this section. Enhances it to a third degree felony if the defendant has one previous conviction under §49.08 (Intoxication Manslaughter) or the laws of another state for a similar offense.</p>

Part II

New Offenses Added

New Offenses Added

Title 3. Punishments

Chapter 12. Punishments

Sec. 12.48. Certain Offenses Resulting in Loss to Nursing and Convalescent Homes

The court is authorized to increase the penalty for an offense, except for a first degree felony, to the penalty for the next higher category of the offense if it is shown at trial that a nursing or convalescent home incurred a loss due to theft or fraud, and, as a result of that loss, a trustee was appointed and emergency assistance funds were used for the home. (1999)

Sec. 12.49. Penalty if Controlled Substance Used to Commit Offense

The court is authorized to increase the penalty for an offense, except for a Class A misdemeanor or first degree felony, to that of the next higher category of offense if there is an affirmative finding that the defendant used a controlled substance to commit the offense. For a Class A misdemeanor, the minimum term of confinement is increased to 180 days. (1999)

Title 4. Inchoate Offenses

Chapter 15. Preparatory Offenses

Sec. 15.031. Criminal Solicitation of a Minor

It is an offense to request, command, or attempt to induce a minor to engage in specific conduct that would constitute an offense listed by Section 3g(a)(1), Article 42.12, Code of Criminal Procedure (“3g offenses”), or to make the minor a party to the commission of an offense listed by that section.

It is an offense to request, command, or attempt to induce a minor or a person believed by the offender to be a minor to engage in specific conduct that would constitute an offense under Section 21.11 (Indecency with a Child), Section 22.011 (Sexual Assault), Section 22.021 (Aggravated Sexual Assault), or Section 43.25 (Sexual Performance by a Child), Penal Code, or to make the minor a party to the commission of an offense listed by those sections. An offense under this section is one category lower than the solicited offense. (1995)

Chapter 16. Criminal Instruments, Interception of Wire or Oral Communication, and Installation of Tracking Device

Sec. 16.06. Unlawful Installation of Tracking Device

It is a Class A misdemeanor to unlawfully install a tracking device on a vehicle owned or leased by another person. (1999)

Title 5. Offenses Against The Person

Chapter 19. Criminal Homicide

Sec. 19.06. Applicability to Certain Conduct

This chapter does not apply to the death of an unborn child under certain circumstances. (2003)
Note: This section is added in the context of the expansion of the definition of “individual” to include “an unborn child at every state of gestation from fertilization until birth” found at Section 1.07 (Definitions), Penal Code.

Chapter 20. Kidnapping and Unlawful Restraint

Sec. 20.05. Unlawful Transport

It is a state jail felony for a person to transport an individual for pecuniary benefit in a manner that is designed to conceal the individual from law enforcement authorities and that creates a substantial likelihood the individual will suffer serious bodily injury or death. (1999) Note: This section is added in the context of the expansion of the definition of “individual” to include an “unborn child at every state of gestation from fertilization until birth” found at Section 1.07 (Definitions), Penal Code.

Chapter 20A. Trafficking of Persons

Sec. 20A.02. Trafficking of Persons

It is a second degree felony to knowingly traffic another person with the intent that the trafficked person engage in forced labor or services or conduct that constitutes an offense under Chapter 43 (Public Indecency), Penal Code. The penalty is enhanced to a first degree felony if the offense is committed under Chapter 43 and the person trafficked is younger than 14 years of age at the time of the offense; or the offense results in the death of the trafficked person. (2003)

Chapter 21. Sexual Offenses

Sec. 21.12. Improper Relationship Between Educator and Student

It is a second degree felony for an employee of a primary or secondary school to have sexual contact, sexual intercourse, or deviate sexual intercourse with a student enrolled in the primary or secondary school at which the employee works. (2003)

Sec. 21.15. Improper Photography or Visual Recording

It is a state jail felony to visually record another person without that person’s consent and with the intent to arouse or gratify the sexual desire of any person. It is a state jail felony to promote such a recording. (2001)

Chapter 22. Assaultive Offenses

Sec. 22.015. Coercing, Soliciting, or Inducing Gang Membership

It is an offense for a person to commit certain acts with the intent to coerce, induce, or solicit a child to actively participate in the activities of a criminal street gang. The penalty is a state jail felony if the person threatens the child with imminent bodily injury and a third degree felony if the person causes bodily injury to the child. (1999)

Sec. 22.11. Harassment by Persons in Certain Correctional Facilities

It is a third degree felony for an inmate of a secure correctional facility or a facility operated by or under contract with the Texas Youth Commission to cause another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of another person or an animal with the intent to harass, alarm, or annoy the person. (1999)

Sec. 22.12. Applicability to Certain Conduct

Establishes that Chapter 22, Penal Code, does not apply to the conduct committed against an unborn child under certain circumstances. (2003) Note: This section is added in the context of the expansion of the definition of “individual” to include “an unborn child at every state of gestation from fertilization until birth” found at Section 1.07 (Definitions), Penal Code.

Title 6. Offenses Against The Family

Chapter 25. Offenses Against the Family

Sec. 25.071. Violation of Protective Order Preventing Offense Caused by Bias or Prejudice

It is a Class A misdemeanor for a person, in violation of a protective order, to commit an offense under Title 5 (Offenses Against the Person), Section 28.02 (Arson), Section 28.03 (Criminal Mischief), or Section 28.08 (Graffiti), Penal Code, with bias or prejudice; to communicate in a certain manner with the protected individual; or to go to or near the place in which the protected individual lives or works. The offense is a third degree felony if the defendant has two or more prior convictions for violation of a protective order or has violated the protective order by committing assault. (2001)

Sec. 25.09. Advertising for Placement of Child

It is a Class A misdemeanor for a person to advertise in the public media that the person will place a child for adoption or will provide or obtain a child for adoption. The offense is a third degree felony for any subsequent conviction under this section. (1997)

Sec. 25.10. Interference With Rights of Guardian of the Person

It is a state jail felony for a person to take, retain, or conceal a ward if the person knows this action interferes with a possessory right with respect to the ward. (2003)

Title 7. Offenses Against Property

Chapter 28. Arson, Criminal Mischief, and Other Property Damage or Destruction

Sec. 28.08. Graffiti

It is an offense for a person to intentionally or knowingly mark on the tangible property of an owner with aerosol paint, an indelible marker, or an etching or engraving device without the owner’s consent. The penalty ranges from a Class B misdemeanor to a first degree felony and is assessed according to the amount of pecuniary loss. The penalty is a state jail felony if the marking is made on a school, an institution of higher education, a place of worship or human burial, a public monument, or a community center, and the pecuniary loss to the property is less than \$20,000. (1997)

Chapter 30. Burglary and Criminal Trespass

Sec. 30.06. Trespass by Holder of License to Carry Concealed Handgun

It is a Class A misdemeanor for a license holder to carry a concealed handgun on the property of another after receiving notice that entry on the property with a concealed handgun is prohibited or failing to depart after receiving the notice. (1997)

Chapter 31. Theft

Sec. 31.12. Theft of or Tampering With Multichannel Video or Information Services

It is a Class C misdemeanor to make or maintain a connection with or attach to a multichannel video or information services system or tamper with, modify, or maintain a modification to a multichannel video or information services device without authorization. The penalty is enhanced to a Class B misdemeanor if a person has one prior conviction under this section and a Class A misdemeanor for two or more prior convictions under this section. The penalty is enhanced to a Class A misdemeanor with a minimum fine of \$2,000 and a minimum term of confinement of 180 days if the person committed the offense for remuneration and has two or more prior convictions under this section. (1995)

Sec. 31.13. Manufacture, Distribution, or Advertisement of Multichannel Video or Information Services Device

It is a Class A misdemeanor to manufacture, assemble, modify, import into the state, export out of the state, distribute, advertise, or sell for remuneration certain devices or plans that make intelligible an encrypted, scrambled, or encoded multichannel video or information services signal. (1995)

Sec. 31.14. Sale or Lease of Multichannel Video or Information Services Device

It is a Class A misdemeanor for a person to intentionally or knowingly sell or lease a device, kit, or plan to aid in the theft of multichannel video or information services. (1999)

Sec. 31.15. Possession, Manufacture, or Distribution of Certain Instruments Used to Commit Retail Theft

It is a Class A misdemeanor for a person, with the intent to use the device to commit theft, to possess, manufacture, sell, offer for sale, or distribute a device that impedes the effectiveness of retail theft detectors. (2001)

Chapter 32. Fraud

Sec. 32.23. Trademark Counterfeiting

It is an offense to manufacture, display, advertise, distribute, or sell a counterfeit mark or an item or service that bears a counterfeit mark. The penalty ranges from a Class C misdemeanor to a first degree felony and is assessed according to the retail value of the item or service. (1997)

Sec. 32.24. Stealing or Receiving Stolen Check or Similar Sight Order

It is a Class A misdemeanor for a person to steal an unsigned check or sight order or to knowingly receive the stolen item with the intent to use, sell, or transfer it to a person other than the owner. (1999)

Sec. 32.48. Simulating Legal Process

It is a Class A misdemeanor to cause a document that simulates a legal process to be delivered to another with the intent to induce payment of a claim or to cause another to submit to the authority of the document or to act in response to the document. The penalty is enhanced to a state jail felony for any subsequent conviction under this section. (1997)

Sec. 32.49. Refusal to Execute Release of Fraudulent Lien or Claim

It is a Class A misdemeanor to refuse to execute a release of a fraudulent lien or claim on the request of the obligor or debtor or any person who owns any interest in the property described in the document or instrument. (1997)

Sec. 32.50. Deceptive Preparation and Marketing of Academic Product

It is a Class C misdemeanor to prepare, sell, offer or advertise for sale, or deliver certain academic materials with the intent to make a profit. (1997)

Sec. 32.51. Fraudulent Use or Possession of Identifying Information

It is a state jail felony for a person to obtain, possess, transfer, or use identifying information of another person without the other person's consent and with the intent to harm or defraud another. (1999)

Chapter 33A. Telecommunications Crimes

Sec. 33A.02. Unauthorized Use of Telecommunications Service

It is an offense for an officer, shareholder, partner, employee, agent, or independent contractor of a telecommunications service provider to knowingly use or divert the telecommunications service for the person's own benefit or to benefit another. The penalty ranges from a Class B misdemeanor to a first degree felony and is assessed according to the value of the telecommunications service used or diverted. The penalty is enhanced to the next higher category of the offense if the person has a prior conviction under this section. (1997)

Sec. 33A.03. Manufacture, Possession, or Delivery of Unlawful Telecommunications Device

It is a third degree felony to manufacture, possess, deliver, offer to deliver, or advertise a counterfeit telecommunications device or a telecommunications device that is intended to be used in an unauthorized manner or to deliver, offer to deliver, or advertise plans, instructions, or materials for the manufacture of a counterfeit telecommunications device or a telecommunications device that is intended to be used in an unauthorized manner. (1997)

Sec. 33A.04. Theft of Telecommunications Service

It is an offense to obtain telecommunications service by using certain unauthorized devices or fraudulent methods in order to avoid or cause another person to avoid a lawful charge for that service. The penalty ranges from a Class B misdemeanor to a first degree felony and is assessed according to the value of the telecommunications service. The penalty may be enhanced to the next higher category if the person has a prior conviction under this section. (1997)

Sec. 33A.05. Publication of Telecommunications Access Device

It is a Class A misdemeanor to publish a telecommunications access device or a counterfeit telecommunications access device that is designed to be used in an unauthorized manner. The penalty may be enhanced to a third degree felony for any subsequent conviction under this section. (1997)

Chapter 35. Insurance Fraud

Sec. 35.02. Insurance Fraud

It is an offense to prepare, present, or furnish information or health care goods or services in support of a fraudulent claim for payment under a health or property and casualty insurance policy. The penalty ranges from a Class C misdemeanor to a first degree felony and is assessed according to the value of the claim and whether the offense placed a person at risk of death or serious bodily injury. (1995)

Sec. 35.03. Aggregation and Multiple Offenses

If a person commits multiple offenses under Section 35.02, Penal Code, the prosecution may consider them as one offense and either aggregate the values of the claims to determine the classification of the offense or classify the offense as one category higher than the most serious single offense. (1995)

Title 8. Offenses Against Public Administration

Chapter 37. Perjury and Other Falsification

Sec. 37.081. False Report Regarding Missing Child or Missing Person

It is a Class C misdemeanor to knowingly file a false report or to make a false statement to a law enforcement officer or agency regarding a missing child or missing person. (1999)

Sec. 37.101. Fraudulent Filing of Financing Statement

It is an offense to file a fraudulent financing statement. It is a third degree felony to file a forged statement, and the penalty is enhanced to a second degree felony if the person has two or more prior convictions under this section. It is a Class A misdemeanor to file a statement that contains a material false statement or is groundless, and the penalty is enhanced to a state jail felony if the person's intent is to defraud or harm another. (1997)

Sec. 37.13. Record of a Fraudulent Court

It is a Class A misdemeanor to make, present, or use any document or other record that was not created under a lawfully created court with the intent that the document be given the same legal effect as a record of a lawfully created court. The penalty is enhanced to a third degree felony if the person has two or more prior convictions under this section. (1997)

Chapter 38. Obstructing Governmental Operation

Sec. 38.111. Improper Contact With Victim

It is a Class A misdemeanor for a person confined in a correctional facility after being charged with or convicted of an offense listed under Article 62.01(5), Code of Criminal Procedure (certain sexual offenses or certain offenses against persons), to contact by letter, telephone, or any other means, either directly or through a third party, a victim of the offense or a member of the victim's family if the victim was younger than 17 years of age at the time of the offense and the director of the correctional facility has not received written consent to the contact from the victim (if the victim is at the time of consent 17 years of age or older), the victim's parent, or the victim's guardian. The penalty is enhanced to a third degree felony if the offender is confined in a correctional facility after being convicted of a felony offense listed under Article 62.01(5), Code of Criminal Procedure. (2001)

Sec. 38.112. Violation of Protective Order Issued on Basis of Sexual Assault

It is a Class A misdemeanor for a person, in violation of a protective order issued on the basis of sexual assault, to communicate directly or indirectly with the applicant for the order or a member of the applicant's family or household in a threatening or harassing manner; to go to or near the residence, workplace, or child-care facility or school of the applicant or a member of the applicant's family or household; or to possess a firearm. (2003)

Sec. 38.151. Interference With Police Service Animals

It is an offense to undertake, against a police service animal, actions ranging from taunting to killing. The penalty ranges from a Class C misdemeanor to a third degree felony and is assessed based upon the type of action taken. (2001)

Sec. 38.16. Preventing Execution of Civil Process

It is a Class C misdemeanor to prevent the execution of any civil process by words or physical action. (1995)

Sec. 38.17. Failure to Stop or Report Aggravated Sexual Assault of Child

It is a Class A misdemeanor to fail to stop or report the aggravated sexual assault of a child. (1999)

Sec. 38.171. Failure to Report a Felony

It is a Class A misdemeanor to fail to report the commission of a felony offense. (2003)

Sec. 38.18. Use of Accident Report Information and Other Information for Pecuniary Gain

It is a Class B misdemeanor to obtain, either directly or through another, certain accident report information and to subsequently use that information for the direct solicitation of business or employment for pecuniary gain. (2001)

Sec. 38.19. Failure to Provide Notice and Report of Death of Resident of Institution

It is a Class B misdemeanor for a superintendent or general manager of an institution to fail to provide notice and submit a report with certain information about the death of a resident of the institution as required by Article 49.24 (Notification and Report of Death of Resident of Institution) or Article 49.25 (Medical Examiners), Code of Criminal Procedure. (2003)

Title 9. Offenses Against Public Order and Decency

Chapter 42. Disorderly Conduct and Related Offenses

Sec. 42.062. Interference With Emergency Telephone Call

It is a Class A misdemeanor for a person to knowingly prevent or interfere with another person's ability to make an emergency telephone call or to request assistance from emergency personnel. It is a Class A misdemeanor to recklessly render unusable a telephone that would otherwise be used to make an emergency telephone call or to request assistance from emergency personnel. The penalty is enhanced to a state jail felony if the offender has been previously convicted under this section. (2001)

Sec. 42.072. Stalking

It is a third degree felony for a person to engage in conduct on more than one occasion, pursuant to the same scheme or course of conduct, that the person would know or reasonably believe that another would regard as threatening or would create fear in another, in a member of the

person's family or household, or in a reasonable person. The penalty is enhanced to a second degree felony if the actor has a prior conviction under this section. (1997) (Section 42.071 (Stalking), Penal Code, was enacted in 1995 and repealed in 1997 due to a Court of Criminal Appeals holding that the law was unconstitutional due to vagueness.)

Sec. 42.091. Attack on Assistance Animal

It is a Class A misdemeanor for a person or an animal owned by or in the custody of the person to attack an assistance animal. It is a state jail felony for a person or an animal owned by or in custody of the person to injure an assistance animal. It is a third degree felony for a person or an animal owned by or in custody of the person to kill an assistance animal. (2003)

Sec. 42.12. Discharge of Firearm in Certain Municipalities

It is a Class A misdemeanor to recklessly discharge a firearm inside the corporate limits of a municipality with a population of 100,000 or more. (1995)

Sec. 42.13. Use of Laser Pointers

It is a Class C misdemeanor to knowingly direct a light from a laser pointer at a uniformed safety officer. (2003)

Title 10. Offenses Against Public Health, Safety, and Morals

Chapter 46. Weapons

Sec. 46.035. Unlawful Carrying of Handgun by License Holder

It is a Class A misdemeanor for a license holder to intentionally fail to conceal a handgun or to carry a concealed handgun in certain specified places, including sporting events, hospitals, amusement parks, places of religious worship, or meetings of a governmental entity. It is a third degree felony to carry a concealed handgun on the premises of a business that has a permit or license under the Alcoholic Beverage Code or in a correctional facility. (1995)

Sec. 46.041. Unlawful Possession of Metal or Body Armor by Felon

It is a third degree felony for a felon to possess metal or body armor. (2001)

Sec. 46.11. Penalty if Offense Committed Within Weapon-Free School Zone

The penalty for an offense under this chapter is increased to the next higher category if the offense is committed within 300 feet of a school or on the premises where a school or University Interscholastic League function is taking place. (1995)

Sec. 46.13. Making a Firearm Accessible to a Child

It is a Class C misdemeanor to negligently allow a child access to a readily dischargeable firearm. It is a Class A misdemeanor if the child discharges the firearm and causes death or serious bodily injury to himself or another. (1995)

Chapter 48. Conduct Affecting Public Health

Sec. 48.015. Prohibitions Relating to Certain Cigarettes

It is a Class A misdemeanor for a person to knowingly acquire, hold, own, possess, or transport for sale or distribution in Texas or import into Texas certain unregulated, untaxed cigarettes. (2001)

Chapter 49. Intoxication and Alcoholic Beverage Offenses

Sec. 49.045. Driving While Intoxicated With a Child Passenger

It is a state jail felony for an intoxicated person to operate a vehicle that has a passenger who is younger than 15 years of age. (2003)

Sec. 49.065. Assembling or Operating an Amusement Ride While Intoxicated

It is a Class B misdemeanor, with a minimum term of confinement of 72 hours, for a person to operate an amusement ride or to assemble a mobile amusement ride while intoxicated. The minimum term of confinement is increased to six days if there is an affirmative finding that at the time of the offense there was an open container of alcohol in the person's immediate possession. (1999)

Sec. 49.12. Applicability to Certain Conduct

Establishes that Section 49.07 (Intoxication Assault) and Section 49.08 (Intoxication Manslaughter), Penal Code, do not apply to injury to or the death of an unborn child if the conduct is committed by the mother of the unborn child. (2003) Note: This section is added in the context of the expanded definition of "individual" to include "an unborn child at every state of gestation from fertilization until birth" found at Section 1.07 (Definitions), Penal Code.

Title 11. Organized Crime

Chapter 71. Organized Crime

Sec. 71.021. Violation of Court Order Enjoining Organized Criminal Activity

It is a Class A misdemeanor to knowingly violate a temporary or permanent court order that enjoins organized criminal activity. (1995)

Sec. 71.022. Soliciting Membership in a Criminal Street Gang

It is a third degree felony for a person to recruit or solicit another person to become a member of a criminal street gang that, as a condition of membership, requires the commission of any conduct that constitutes an offense punishable as a Class A misdemeanor or a felony. The penalty may be enhanced to a second degree felony for any subsequent conviction under this section. (1999)

Part III

Cross-reference of Changes and Additions

Cross-reference of Changes and Additions

1995					
Section	Title	Effect	Acts 1995		Act
			Ch.	Sec.	
3.03	Sentences for Offenses Arising Out of Same Criminal Episode	Amended	596	1	HB93
12.42	Penalties for Repeat and Habitual Felony Offenders	Amended	318 250	1 1	SB15 SB45
12.43	Penalties for Repeat and Habitual Misdemeanor Offenders	Amended	318	2	SB15
12.44	Reduction of State Jail Felony Punishment to Misdemeanor Punishment	Amended	318	3	SB15
15.031	Criminal Solicitation of a Minor	Added	262	79	HB327
22.01	Assault	Amended	318 659	5 1	SB15 SB134
25.07	Violation of Probate Order or Magistrate's Order	Amended	658 660	2 1	SB129 SB135
31.12	Unauthorized Use of Television Decoding and Interception Device or Cable Descrambling, Decoding, or Interception Device	Added	318	10	SB15
31.13	Manufacture, Sale, or Distribution of Television Decoding and Interception Device or Cable Descrambling, Decoding, or Interception Device	Added	318	10	SB15
35.01	Definitions	Added	621	1	HB1487
35.02	Insurance Fraud	Added	621	1	HB1487
35.03	Aggregation and Multiple Offenses	Added	621	1	HB1487
35.04	Jurisdiction of Attorney General	Added	621	1	HB1487
38.04	Evading Arrest or Detention	Amended	708	1	SB281
38.111	Inmate Misuse of Information Gained Through Work Program	Added	302	3	HB949
38.16	Preventing Execution of Civil Process	Added	318	13	SB15
42.071	Stalking	Added	657	2	SB126
42.12	Discharge of Firearm in Certain Municipalities	Added	663	1	SB68
46.035	Unlawful Carrying of Handgun by License Holder	Added	229	4	SB60
46.11	Penalty if Offense Committed Within Weapon-Free School Zone	Added	320	1	SB840
46.12	Maps as Evidence of Location or Area	Added	320	2	SB840
46.13	Making a Firearm Accessible to a Child	Added	83	1	HB44
46.15	Nonapplicability to Peace Officers	Added	318	18	SB15
49.09	Enhanced Offenses and Penalties	Amended	318	21	SB15
49.11	Proof of Mental State Unnecessary	Added	318	22	SB15
71.021	Violation of Court Order Enjoining Organized Criminal Activity	Added	584	1	SB1090

1997

Section	Title	Effect	Acts 1997		Act
			Ch.	Sec.	
3.03	Sentences for Offenses Arising Out of Same Criminal Episode	Amended	667	2	SB381
3.04	Severance	Amended	667	3	SB381
12.42	Penalties for Repeat and Habitual Felony Offenders	Amended	665	1, 2	SB46
12.47	Penalty if Offense Committed Because of Bias or Prejudice	Amended	751	1	HB1333
20.02	Unlawful Restraint	Amended	707	2	SB1835
25.07	Violation of Protective Order or Magistrate's Order	Amended	1193	21	SB1253
25.09	Advertising for Placement of Child	Added	561	31	HB1091
28.08	Graffiti	Added	593	1	SB758
30.06	Trespass by Holder of License to Carry Concealed Handgun	Added	1261	23	HB2909
32.23	Trademark Counterfeiting	Added	1161	2	SB228
32.41	Issuance of Bad Check	Amended	702	14	SB1594
32.46	Securing Execution of Document by Deception	Amended	189	2	HB1185
32.48	Simulating Legal Process	Added	189	3	HB1185
32.49	Deceptive Preparation and Marketing of Academic Product	Added	730	1	HB762
32.49	Refusal to Execute Release of Fraudulent Lien or Claim	Added	189	4	HB1185
33.02	Breach of Computer Security	Amended	306	2	HB1482
33A.01	Definitions	Added	306	3	HB1482
33A.02	Unauthorized Use of Telecommunications Service	Added	306	3	HB1482
33A.03	Manufacture, Possession, or Delivery of Unlawful Telecommunications Device	Added	306	3	HB1482
33A.04	Theft of Telecommunications Service	Added	306	3	HB1482
33A.05	Publication of Telecommunications Access Device	Added	306	3	HB1482
33A.06	Assistance by Attorney General	Added	306	3	HB1482
37.101	Fraudulent Filing of Financing Statement	Added	189	10	HB1185
37.11	Impersonating Public Servant	Amended	189	7	HB1185
37.13	Record of a Fraudulent Court	Added	189	8	HB1185
39.04	Violations of the Civil Rights of Person in Custody; Improper Sexual Activity With Person in Custody	Amended	1406	1	HB2283
42.072	Stalking	Added	1	1	SB97
42.09	Cruelty to Animals	Amended	1283	1	SB143
46.06	Unlawful Transfer of Certain Weapons	Amended	1304	1	SB548

1999

Section	Title	Effect	Acts 1999		Act
			Ch.	Sec.	
12.43	Penalties for Repeat and Habitual Misdemeanor Offenders	Amended	564	1	SB430
12.48	Penalty if Controlled Substance Used to Commit Offense	Added	417	2(a)	SB1100
12.48	Certain Offenses Resulting in Loss to Nursing and Convalescent Homes	Added	439	4	SB1197
16.06	Unlawful Installation of Tracking Device	Added	728	1	HB1001
20.02	Unlawful Restraint	Amended	790	2	HB1428
20.05	Unlawful Transport	Added	1014	1	HB2879
22.01	Assault	Amended	1158	1	SB24
22.015	Coercing, Soliciting, or Inducing Gang Membership	Added	708	1	HB861
22.11	Harassment by Persons in Certain Correctional Facilities	Added	335	1	HB1713
25.04	Enticing a Child	Amended	685	7	HB668
30.04	Burglary of Vehicles	Amended	916	1	HB2231
30.05	Criminal Trespass	Amended	169 765	1, 2 1, 2	HB436 HB1265
31.12	Theft of or Tampering with Multichannel Video or Information Services	Amended	858	1	HB1876
31.14	Sale or Lease of Multichannel Video or Information Services Device	Added	858	3	HB1876
32.24	Stealing or Receiving Stolen Check or Similar Sight Order	Added	1413	1	HB2125
32.51	Fraudulent Use or Possession of Identifying Information	Added	1159	1	SB46
37.081	False Report Regarding Missing Child or Missing Person	Added	200	3	HB605
37.10	Tampering With Governmental Record	Amended	659	2	HB319
38.17	Failure to Stop or Report Aggravated Sexual Assault of Child	Added	1344	1	HB628
43.26	Possession or Promotion of Child Pornography	Amended	1415	22(c)	HB2145
49.065	Assembling or Operating an Amusement Ride While Intoxicated	Added	1364	9	HB1059
71.022	Soliciting Membership in a Criminal Street Gang	Added	1555	1	SB1579

2001

Section	Title	Effect	Acts 2001		Act
			Ch.	Sec.	
20.02	False Imprisonment	Amended	524	1	HB2098
21.15	Improper Photography or Visual Recording	Added	458	1	HB73
25.07	Violation of a Protective Order	Amended	23	1	SB199
25.071	Violation of Protective Order Preventing Offense Caused by Bias or Prejudice	Added	85	3.02	HB587
25.08	Sale or Purchase of a Child	Amended	134	1	HB1634
28.02	Arson	Amended	976	1	HB171
28.03	Criminal Mischief	Amended	747	1	SB1174
			976	1, 2	HB171
31.15	Possession, Manufacture, or Distribution of Certain Instruments Used to Commit Retail Theft	Added	109	1	SB966
32.32	False Statement to Obtain Property or Credit	Amended	1245	3	SB437
36.06	Obstruction or Retaliation	Amended	835	1	HB1181
38.04	Evading Arrest or Detention	Amended	1334	3	HB2798
38.111	Improper Contact With Victim	Added	1337	1	HB2890
38.14	Taking or Attempting to Take Weapon From Peace Officer	Amended	322	1	HB1600
38.151	Interference With Police Service Animals	Added	979	1	HB280
38.18	Use of Accident Report Information and Other Information for Pecuniary Gain	Added	1032	1	HB1544
39.04	Violations of the Civil Rights of Person in Custody	Amended	1070	1	HB2097
42.062	Interference With Emergency Telephone Call	Added	690	1	SB18
42.07	Harassment	Amended	1222	1	SB139
42.072	Stalking	Amended	1222	2	SB139
42.09	Cruelty to Animals	Amended	450	1	HB653
43.02	Prostitution	Amended	987	1	HB460
46.04	Unlawful Possession of Firearm	Amended	23	2	SB199
46.041	Unlawful Possession of Metal or Body Armor by Felon	Added	452	1	HB84
48.015	Prohibitions Relating to Certain Cigarettes	Added	1104	6	HB2378
49.03	Consumption or Possession of Alcoholic Beverage in Motor Vehicle	Repealed	969	10	HB5
49.031	Possession of Alcoholic Beverage in Motor Vehicle	Added	969	2	HB5
49.09	Enhanced Offenses and Penalties	Amended	648	1, 2	HB2250

2003

Section	Title	Effect	Acts 2003		Act
			Ch.	Sec.	
12.42	Penalties for Repeat and Habitual Felony Offenders	Amended	1005	2	HB236
19.03	Capital Murder	Amended	388	1	HB11
19.06	Applicability to Certain Conduct	Added	822	2.02	SB319
20A.02	Trafficking of Persons	Added	641	2	HB2096
21.12	Improper Relationship Between Educator and Student	Added	224	1	HB532
21.15	Improper Photography or Visual Recording	Amended	500	1	HB1060
22.01	Assault	Amended	294	1	HB2525
			1019	1	HB565
			1028	1	HB716
22.02	Aggravated Assault	Amended	1019	3	HB565
22.07	Terroristic Threat	Amended	388	2	HB11
			139	1	SB408
			446	1	HB616
22.11	Harassment by Persons in Certain Correctional Facilities	Amended	878	1	SB729
			1006	1	HB274
25.08	Sale or Purchase of a Child	Amended	1005	3	HB236
25.10	Interference With Rights of Guardian of the Person	Added	549	32	HB1470
28.03	Criminal Mischief	Amended	1280	1	HB240
31.03	Theft	Amended	432	2	HB420
32.45	Misapplication of Fiduciary Property or Property of Financial Institution	Amended	432	3	HB420
32.46	Securing Execution of Document by Deception	Amended	432	4	HB420
38.02	Failure to Identify	Amended	1009	1	HB325
38.11	Prohibited Substances and Items in Correctional Facility or on Property of Texas Department of Criminal Justice	Amended	470	1, 2, 3	HB864
38.112	Violation of Protective Order Issued on Basis of Sexual Assault	Added	836	3	SB433
38.171	Failure to Report a Felony	Added	1009	2	HB325
38.19	Failure to Provide Notice and Report the Death of a Resident of Institution	Added	894	4	SB826
42.091	Attack on Assistance Animal	Added	710	2	HB2881
42.13	Use of Laser Pointers	Added	467	1	HB831
43.23	Obscenity	Amended	1005	1	HB236
46.04	Unlawful Possession of Firearm	Amended	836	4	SB433
49.045	Driving While Intoxicated With a Child Passenger	Added	787	1	SB45
49.12	Applicability to Certain Conduct	Added	822	2.05	SB319

